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5 **UNITED STATES DISTRICT COURT**
6 **for the WESTERN DISTRICT of WASHINGTON**

7 PHILLIP PEARSON,)

8 Plaintiff,)

9 vs.)

10 JO ANNE B. BARNHART, Commissioner of)
11 Social Security,)

12 Defendant.)

C05-184 JPD

MINUTE ORDER

13 The following Minute Order is made at the direction of the Court, the Honorable
14 James P. Donohue, United States Magistrate Judge:

15 During oral argument scheduled for Thursday, January 26, 2006, counsel are asked to
16 address the following issues:

17 (1) Did the Administrative Law Judge (ALJ) perform a proper DAA analysis?

18 (2) Does Bustamante v Massanari, 262 F3rd 949, 955 (9th Circuit 2001) require that Mr.
19 Pearson be found disabled using the standard five step sequential evaluation prior to determining
20 whether alcohol addiction was a materially contributing factor? What is the value of the ALJ
21 opinion relating to alcohol addiction if there is no disability finding?

22 (3) What is the significance, if any, of the last three (3) sentences of the first full paragraph
23 of page 8 of the ALJ opinion in light of the VE testimony?

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26 **MINUTE ORDER C05-184 JPD**

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Dated this 24th day of January 2006

Bruce Rifkin, Clerk of Court

/s/ PETER H. VOELKER
Peter H. Voelker, Deputy Clerk

MINUTE ORDER C05-184 JPD